G. R. S. 58]

Previous references.

J. F. 15 of 1898-9.

1909.

File No. 39-09

Serial Nos. 1 to 8

Later references.

Pris 34-12-(1-4)

(Prisons

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1 to 8

Part B for November 1910.

SUBJECT.

Rule of release of a prisoner undergoing two periods of imprisonments passed simultaneously so as to run consecutively, when the first sentence is annulled in appeal.

Table of Contents

1. From the I.G. of Prisons in Mysore No. 1562 dy 3-11-09
Points out that there is no provision in the Mysore Jail manual to govern cases of the kind question and that the Madras & Burma rules provide that in such cases the 2nd sentence shall take effect from its own date and solicits orders of Govt in connection with the case of a Convict Mimiya No. 8317 of the Mysore Jail.

To the I.G. of Prisons No. JH190-dy 30-11-09
Directs, that under the circumstances a portion of such sentence equal to the period of imprisonment undergone by the prisoner prior to the reversal of 1st Sentence be remitted and that the prisoner be set at liberty on the 6th Dec 09.

GPB—5,000—22-10-10

le Registrar chief Court No J1685 & 17-12-09.

Forwards a copy of the letter from the I.G of isons and the order of Govt thereon and request to be furnished with the opinion of the chief Court regarding the adoption of a rule similar to rule 310 of the Madras jail manual.

om the same Officer No 2476 & 1433 & 20-12-09.

States that the Madras rule appears to be perfectly correct and might with advantage be adopted together with the illustration

the same officer No J3317 & 3rd May 1910

Requests him to ~~forward Govt~~ furnish Govt ith the opinion of the chief Court regarding n apparent inconsistency between sec 397 f the Cr.P.C and Rule 310 of the Madras jail Manual

From the Same Officer No 4670/278 & 5-8-10

States that the chief judge is unable to see any inconsistency between the rule & the Section in question

o the I.G of Prisons & ~~I.G of P~~ the Regr chief Court No J1582-3 & 25-11-10

Directs that the ~~following rule~~ addition of a rule as rule 2A to the rules re the Calculation of the date of release of prisoners issued under G.O No 12994-95/160 & 15-5-1899.

o the Compiler Mysore Gazette. No 1584 & 25-11

Notifies the above

G.R.S. 11] 1909.—10

GENERAL AND REVENUE SECRETARIAT.

(Prisons)

NOTES.

Pris File No. 39-09

FILE HEADING.

Date of release of a prisoner undergoing two periods of imprisonments passed simultaneously so as to run consecutively, when the first sentence is annulled on appeal.

From

The I.G. of Prisons in Mysore

No. 1582/10 09 Dated 3-11-09 Received 3-11-09

Diary No. 9137 | Enclos. | Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Points out that there is no provision in the Mysore Jail Manual to govern cases of the kind in question & that the Madras & Burma Jail Rules provide that in such cases the second sentence shall take effect from its own date and solicits orders of Govt in connection with the case of a convict Munigapa No. 8917 of the Mysore Jail.

NOTES AND ORDERS.

The I.G's letter explains the case fully.

The point for orders is whether the period of imprisonment undergone by the prisoner between the date of sentences and the date of the annulment of the first sentences should

NOTES—First sheet

GPB—30,000—3-4-07.

Serial No.

be counted against the second sentence or whether the second sentence should take effect from the date of the annulment of the first sentence. As the date of sentence has to be calculated as though the sum of the two sentences had been awarded, it follows (inferentially) that the date of release should be after a period of 'first period + second period', 'reduced period of 1st sentence + second period' or 'Nil + second period' according as both the sentences stand, the first period is reduced on appeal or it is annulled on appeal.

The procedure in the last case is explicitly laid down in the Madras Rules whereas such is not the case in the Mysore Rules.

If this view be accepted a rule similar to Rule 310 of the Madras Rules will have to be added to the existing rules in Mysore.

Subd. for orders with a Copy of the Madras Jail Manual. The D.G. Requests early orders.

Po.
4/11/09

1/. The D.G's view seems to be correct.

The only copy of the Mysore Jail Manual available has been sent to Mysore & the Annamalai Manual is not available.

4/11

GPB—50,000—13-5 08

G. R. S. 12]
General and Revenue Secretariat.

Mis File No. 89 of 190 9

Serial No.

= Hag P

Can rules published under G.P. Nos 12884-88 & 15.5.99 were also taken from the Madras Jail Manual, but the latter seems to have been revised. JJ 601

SW 5/11/09 ! I am not sure if the reasoning adopted by the Hg. and the conclusion reached by him are correct. The judgment of the Court that the second sentence shall take effect only on the Expiration of the first (whether by annulment on appeal or by Completion) stands apparently unreversed. That sentence should therefore be executed in the as directed in the warrant. In the present case the first sentence expired on the 2nd October (the date of reversal by the Appellate Court) and; Consequently the second sentence can be said to commence only from that date (viz 2nd Oct-be). Please see Sohini's Criminal procedure Code p. 31 para 25 and p. 476 para 5 of the Madras Jail manual Article 310 quoted by the Hg. Prisons does not seem to suffer from the

Serial No.

I am unable to see how Illustration no 2 of para 310 of the Madras gail manual, can be reconciled with the provisions of Sec 397 of the Criminal procedure Code. When trials are different the Sentences can not be made to run Concurrently Even though the Convictions are passed on the Same day. Please See para 344, p. 476 Sohini's Cr. Pr. Code. Probably the Madras rule has been made with the Express object of giving the prisoner the benefit of the Sentence undergone by him in respect of the first Conviction, as it would be inequitable to make him undergo the full term of the Second Sentence though the first one is reversed. Anamolies in Such Cases may be avoided by the Appellate Court (at the time of reversing the first Sentence) making Suitable alterations regarding the date of Commencement of the Second. No Such alteration has been made in the Case now under Consideration and as the Mysore gail manual Contains no provision

yes as by the Ld. Prime J.

Vide See para 25 31 of S's Cr. Pr Code

File No. 39 of 1909

Serial No.

Similar to para 3 P.O. of the Mad Manual, the only Course left open is to remit a portion of the ~~sentence already paid~~ the second Sentence Equal in amount to what was undergone by the Convict prior to the 2nd of October. If this Can not be done, the Govt will have to be informed that the second Sentence Should be computed to run only from the date of the order of the Appellate Court which reversed the first Sentence.

12/11/09. SH

Sec'y

Please consult the Govt Advocate unofficially, in the first instance

A.S. 10.9

Forwarded to the Govt Advocate unofficially for favour of opinion at an Early date

By order

Secretary

Jr Secretary to Govt. Jail Dept

J. 23.

15-11-09.

SN

GPB—55,000—27-4-09

9 r. Section 397 Criminal Procedure Code directs
iat the 2nd sentence shall "commence at the ex-
.ration" of the first. This event may be caused
.ther by flux of time or by reversal on Appeal or
vision. In the present instance, it happened on
..id October 1909 when the conviction was set aside.
As directed in the warrant issued by the Magistrate
the 2nd sentence took effect on the said date. The
Bombay High Court has adopted this view.

10. The rule in the Madras Jail Manual referred to
by the Inspector General of Prisons is based on a
ruling of the Madras High Court printed on page --
450 of Volume II of Weir's work. The question is -
not discussed and no authority is quoted in the --
said ruling. The one great recommendation for the
adoption of this interpretation is that it is ----
favourable to the convicted subject, and is some -
reparation for the punishment he underwent under a
conviction which was declared by competant authorit
to be unwarrented.

L. Narayana Rao
17.11.09. Govt adv:

Subd. for orders.
KN. 18/11 SW 19/ The question is now is whether to
inform the Sg. that the sentence shall
be computed from the 2nd bet or whether
a portion of the sentence will be remitted

Serial No.

Govt. If the latter course is to be adopted, the prisoner will have to be detained in jail custody until the 6th Dec 09.

19/11/09 SH

Sec'y 13) I think the view taken by the Govt. Advocate is correct & may be communicated to the D.J. of Poona.

14) Before considering the desirability of a remission of sentence, it seems expedient to consult the Chief Govt. Pleader if applied, will be done.

Prisons & Jail. 2189

Govt. Pleader's Opinion

SH 19/11/09

15) Where in two cases, two sentences are passed the same day as in this instance, it is quite an accident as to which of the cases is taken up first. If case 103 had been taken up first, the sentence undergone by the prisoner would go to diminish the unexpired term of 3 months. The 6 months' term for the first case would have been annulled without his undergoing any part of it.

Serial No.

16) It is inequitable if such non-significant accidents are allowed to affect ~~private~~ parties prejudicially.

17) The Madras rule extends to such cases besides others. It is on the whole a very fair provision and may be enacted here. But my doubt is whether it would be consistent with S. 397 of the Code of Cr. Procedure.

18) In the present case, Govt may excuse the period remaining after 6.12.1909 & direct the prisoner's release on that date.

19) The Opinion of the Chief Court may be taken and question of ~~the~~ inserting a new rule may be decided after ~~wards~~ further consider-

20/11/9

GPB—50,000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

Prisons File No. 39 of 1909

Serial No.

259
22.11.09

1) The nature of the offences is not stated. Apparently the sentence of 3 months imprisonment was passed in a Summary trial. I think the rule in the Madras Jail Manual is the more reasonable one.

2) In the present case, the portion of the second sentence remaining after the 6th December may be remitted.

3560 (2 books)
23.11.09

24/11/09

24/11/09

3) I agree that the man should be released on 5th December.

4) Please submit a draft accordingly.

25/11/09

5) Draft attached.

26/11/09

6) Submitted with a draft.

26/11/09

7) Draft submitted. The same question has not been touched. It may be reserved for separate discussion.

26/11/09

Secy

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

Pris File No. 39 of 1909

Serial No.

27) draft- revised & subm? to HE
➡ in case the matter has to be placed before His Highness as one involving a remission of sentence.

28) After issuing orders, the file will be referred U.O. to the Chief Court for opinion on the general question

29/11/09

29) As the matter is urgent and opinion of the members of the Court as unanimous as to the desirability of releasing the prisoner on the grounds stated in the draft is obtained it may be agreed - the reference to the Chief Court about modifying the rule may be made separately in the usual course -

29 Nov 09

30) 1. Issue draft-.

31) 2. Then submit draft- to Chief Court - (copies of letter, as ordered by the Dewan)

29/11/09
SK
29/11/09

Issue orders

2 To the D.G. of Police Bangalore in Mysore no: J 1490 & 30.11.09

Directly, that under the circumstances, a portion of such sentence equal to the period

GPB—55,000—27-4-09

Serial No.

of imprisonment undergone by the prisoner prior to the reversal of the first sentence, be remitted and that the prisoner be set at liberty on the 6th Dec 1909.

32 Subd. with a draft to the Chief Court for opinion on the general question, as directed.

K.N. 7.12.09 SW 8/12

10/12/09

Sec'y.

33 Issue

13/12/09

14/12/09.

3 To. The Registrar, Chief Court of Mysore no. J/1685 Dy 17.12.09

Forwards a copy of letter from the D.G. of Prisons & the order of Govt passed thereon in the matter & requests to be favored with the opinion of the Chief Court regarding the adoption of a rule similar to rule 310 of the Madras Jail Manual

4 From The Registrar, Chief Court of Mysore no. 2476/143 Dy 20.12.09

States that the Madras rule appears to be perfectly correct & might with advantage be adopted together with the illustration.

Subd. for orders.

K.N. SW 21/12 23/12

34 With due deference I beg leave to point out that the

Serial No.

opinion Expressed by the learned Judges of the Chief Court does not appear to be quite consistent with the Express terms of Sec 397 of the Criminal Procedure Code, which direct that the second Sentence shall commence only on the Expiration of the first. Such Expiration may be either by commutation or by Efflux of time. Both the illustrations under para 310 of the Madras Jail manual seem to contravene the above provisions of the Cr. Pr. Code.

35 The Govt Advocate in his opinion recorded under 6 of the rules seems to doubt the correctness of the Madras rule

~~Hence is no difference of opinion~~

36 There can be no objection to give the benefit of the rule to the prisoner but this has to be done according to law viz by remitting a portion of the second Sentence Equal to the portion undergone by him in respect of the first.

37 The Govt Advocate may perhaps be consulted again.

27/1/09

Sec'y.

Please see Weir's digest referred to in Govt Advocate's note

4/4/09

Sec'y.

NOTE—Contn. sheet.

GPB—55(0)—27-4-09

Volume II of the Weir's Digest is fault
y and Subjects. (Please See Flag R)

1-10-5/1

38 The first Case reported
@ 451 is apparently the one refd to
by the Govt Advocate. That Case
as decided under Sec 317. of the
Cr. P. Code of 1873 which was different
in the Corresponding Section (397) of the
Codes of 1882 and 1898. Presumably
that Section (317 of the Code of 1873) requires
that Sentences passed on the same
day shall run Concurrently unless
otherwise directed by the Court. But
the Codes of 1882 & 1898 provide that as
a matter of legal necessity Sentence in
the one case shall run after the
Expiration of the other. Please see also footnote
ibid and the very next case reported
on the same page which places the
matter beyond all doubt

7/4/10.

Sec 35 of the Code enables the Court to pass Concurrent Sentences when diff Charges are tried in one trial. We are not concerned with this now.

Sec 7/4 I have nothing to add to Mr Sivaramaiya's note & it would add that the Madras Jail Manual rule referred to is inconsistent with the

G. R. S. 12]
General and Revenue Secretariat.

File No.

Serial No.

2595
20110

Cr. Pro Code is therefore ultra vires.

Dewan Mooyn 1882 2nd Cal) 48/1/10.

40

The most satisfactory Course 19/1/10
is to introduce the Madras rule
as an amendment to S. 397 of
the Criminal Procedure Code.
But by a forced Construction, it
may be held that the ~~so~~ an-
nulled Sentence is invalid
not from the date of annul-
ment only but from its in-
ception. It would therefore
expire on the day it was
pronounced & so the other
Sentence would take effect
from the same day. If this view
is adopted, the Madras rule
would not be invalid. As
a third alternative, we may
correct such cases by special
orders ~~to~~, reducing the Senten
by order of Govt to the extent

(GPB—65,000—27-4-09

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necessary in each individua
cases. Such cases are not
likely to occur too often t
cause undue trouble to. Govt
41 The question may be di
cussed & settled at a meet
ing.

30/1/10

pta

31/1/10.

SB
31/1/10

42 The apparent inconsisten
between sec 397 C.P.C an
rule 310 Madras Jail Man
may be pointed out to the
Chief Court & the opinions
the Judges invited

1/2/10

1340 (about)
3.2.10 Dewan

43 11/2/10 The Chief Cou
SB
11/2/10

GPB—65,000—27-4-09

Serial No.

might be written to, as suggested by the Ist Council

44 2. To a lay mind the question appears to be, whether the portion of the Sentence undergone for the first conviction when this first conviction is annulled should not be set off against the Sentence under the Second conviction which is not annulled. From the point of view of the convict, it seems but fair to allow such a set off.

45 3. In regard to the apparent inconsistency may it not be argued that Section 397 C. P. Code applies only to convictions which are in full force and effect and not to any case in which any conviction is annulled —

Asstt Secy Bottl
22/4/10

Put up draft
22/4/10

GPB—55,000—27-4-09

. S. 12]
ıeral and Revenue
Secretariat.

Pr File No. 39 . of 190 9 -

Serial No. 46

Draft sub for appt.

SN
28/4/10

47 Issue
SN
29/4/10

To the Registrar, Chief Court.
No 3317 S of 30th May 1910.
Request him to furnish Govt. with the opinion of the Chief Court regarding an apparent inconsistance between Sec 397 of the Cr. Pro. Code and Rule 310 of the Madras Jail Manual.

From The Registrar, Chief Court
No 4670/278 S of 5.5.10.
States that the Chief Judge is unable to see that there is any inconsistency between the Section & the Rule in question. Submitted for orders.

46 SN
C.S. 7/5 7/5 49 It nevertheless seems hard difficult to reconcile the view of the learned Chief Judge with the decisions in certain Cases. Please see

G. R. S. 12]
General and Revenue Secretariat.

Prés File No. 3 § of 190 §

Serial No.

b/s 872-873 Q Amadawar Iyer's Criminal procedure Code, Para 4).

13/10 SH

Sec 7)

b/c

D.I. Bpl

Submitted.

Draft D.O. to the Govt Advocate put up as personally directed

SH 8/7/10

SH 1/8/10

T.K.S. taken

To be [illegible]

to [illegible]

SH 1/8/10

SH 13/7/10

Bangalore
13th July 1910

Dear Mr. Narayanaya

I regret I have to confess my ignorance of "Wilkins" work quoted by Amadawar Iyer in his Cr. Pro. Code.

Yours sincerely
S. Narayana Rao
Govt Adv.

Sections 4 & Ten refers to Cr. Pro. Codes are put up as required.

Sec. 7 Explanation 2 of the 1873 Amendments book seems to show that when the first sentence is amended or repealed the second shall take effect from the date on which the first sentence is so amended or repealed, and not from the date of the amending Act.

NOTE—Continue sheet.

Serial No.

52 In a case (No 4) under Sec 397 of the Criminal Procedure Code Compiled by Amadumaliyan, reference is made to a case said to be reported in Volkins 120 which appears to militate against the interpretation of the Section given in the notes immediately above viz (2) & (3). I was not able to get at this report or to recon the different interpretations given in the notes referred to above. The Govt Advocate who was also consulted in the matter has written the above D.O.

73

pp 72887

53 Probably the case reported in Volkins is a very old one based upon a former Enactment.

13/7/10.

Sec 7/54 Submitted through the 2nd Cr. The opinion of the Chief Judge may be acted upon, though in my humble opinion there seems to be an inconsistency between the Article of the Jail manual & the provision in the Code of Criminal Procedure.

53 Have we any act corresponding to the Prisons Act (IX of 1877)?

CBB 15/7/10

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

Pers File No. 39 of 190 9

Serial No.

1894) in force here. ~~If~~ Perhaps Rule 310 though not quite consistent with S. 397 of the Cr. P. Code may be justified under S. 60 (t) of that Act. Under what statutory authority are our Jail Rules issued?

(Secretary) 18/7/10

S 60 (t)?

Our Prisons law is Act XXVI of 1870 (See M. 188 etseq Vol I mysore Code) Section 60 Clause (t) says that the Govt. may make rules consistent with this Act for any matter for which no provision is made by this Act. Rules inconsistent with Cr. Pro Code?

Assistant Sec. III 18/7/10

Asst Secy Br. III 19/7/10

Secy

Please see V.K. 56

K.R. Act IX of 1894 is contained in the Madras Jail Manual herewith put up. Mysore Prisons Law Rule is act XXVI of 1870 is contained in pp 188 etc of Vol I of Mysore Code.

Secretariat Compilation of the Circular orders of the High Courts of Calcutta Bombay which throw some additional light on the subject are also put up. please see Gurmukh 353 - 3rd Edition under Sec 397 & HC No 91879 which clearly supports the Rule in the Madras Jail Manual now under discussion. Calcutta H.C. Circular® No 1 of 4th January 1882 is also in favour of this rule. It is only Bombay H.C. Circular of Sept 1890 that is against it. Illustration 4 under Sec 397 in Annandrao's is in reference to the Calcutta case while nos 2 & 3 are with reference to the Bombay Circulars.

® p 39 of the Circulars
* p 34 of Bombay Circulars

NOTE—Contn. sheet.

GPB—55,000—27-4-09

11/7/10

File No. 47 of 190

Serial No.

4. The Madras Act only provision in the Prisons Act of British India bearing on the point is Sec 5 (9) which empowers the Govt to make rules "for the award of marks and the shortening of Sentences". It is doubtful if the rule in question can be brought under this Section.

5. The Corresponding Section in the Prisons Act as in force in Mysore is Sec 54. which authorises the Govt to make rules for (1) remission of Sentences & (2) rewards for good Conduct.

6. The fact appears to be that the rule in the Madras Manual is based on the ruling of the Madras High Court reported in Weirs Digest (Please See Stokes's C. pr. Code pg) on the interpretation of Sec 39; the Calcutta High Court have issued a rule similar to that of Madras, purporting to act under Sec 397 Cr. pr. Code.

7. In Bombay the Section came up for judicial interpretation so late as 1890 and the High Court of

Serial No.

held that in Cases of the kind and discussion the accused prisoner could not be given the benefit of the period served out by him under the first sentence.

6 ✓ The opposite views of the Bombay High Court is opposed to those of Calcutta and Madras High Courts. A fair interpretation of the Section would seem to favour the Bombay view.

26/7/09

See 7)

3 In accepting the opinion of the Chief Judge we shall be following the Madras & Calcutta High Courts -

2nd C)

c/13
28/7/09

4 I am inclined to think that the rule may be issued under the authority of the Prisons Act of 1870, S. 54 (5). It can be held to be not inconsistent with S. 397 of the Cr. P. Code, on the ground already mentioned - namely,

NOTE—Contn. sheet.

BPG—55,050—27-4-09

Serial

that the reversed sentence should be taken to be non existent from the beginning. (See P 14 of these Notes). The proposed rule may therefore be issued.

29/7/10

Put up draft letter submitting G. Dewan

will have to be submitted to Govt. (Prisons).

30/7/10

30/7

30/7/10.

and Not for

Draft order issuing a Rule similar to Rule 310 of the Madras Jail Manual is put up.

It may be observed that the Rule issued by the Calcutta High Court C.O. No 1 of 9th January 1882 - seems to be more liberal and favourable to the prisoner than the Madras Rule and that the former is more in consonance with the 2nd Councillor's view expressed on p. 14 of these Notes, than the latter. If the annulled sentence is held to be

89 of the Circulars

BPG—55,000—27-4-09

Serial No.

be "invalid from the date of its inception" then retrospective effect will have to be given to the second sentence when there is an interval between the date of passing of the two sentences, as in the case covered by Illustration 2 under Madras Rule 310. The Calcutta Rule seems to allow the whole period undergone by the prisoner out of the annulled sentence as a set off against the period of the second sentence, taken probably, the view held by the 2nd Cr. Subd for orders.

Cr.
1/8/10

3/8/10

(1) Please [redacted] Copy out the Madras rule as it is, without any changes and show also in pencil in the margin the corresponding Calcutta rule.

(2) Revise the preamble as corrected by me

5/8/10.

The Calcutta rule

7/8/10 Attended to.
Cr.
6/8/10

GPB—55,000—27-1-09.

Seems to be preferable on account of its simplicity. The illustrations appended to the Madras rule are not very clear and tend to confuse rather than illustrate.

12 (The file may perhaps be submitted to Dewan thro 1st Cr — as the matter appertains to prisons also) Resubd to Secy

18/8/10

Secy)

13 I think the madras rule may be adopted in preference to the Calcutta rule. In illustration 2 to the Madras Rule ~~the~~ if the calcutta rule were applied the man would be entitled to release on the 31st Dec & he would be considered to have been undergoing imprisonment between the 1st July the 31st July under a ~~warrant~~ sentence passed only on the 1st August, which is somewhat absurd.

The draft may be approved.

Dewan through 1st & 2nd Crs) CSB 19/10

SA 19/10.

Serial No.

666
2.9.10

14 Rule 310 ... of the Madras Jail Manual may be adopted. It is not inconsistent with Sec 397 Cr P Code which as remarked by the Dewan applies only to convictions which are in full force & effect and not to a case in which conviction is annulled. This is also the view taken by the Chief Court.

15 The contention that a reversed conviction should be taken to be non existent from the very beginning and a set off should be given accordingly is I fear likely to lands us in a maze of difficulties

KBM
1/9/10
M
SB
4/9/10

2nd 16 The Madras Rule may be adopted. The idea of

Serial No.

giving Compensation by giving a Set-off of Sentence undergone before the Confirmed Sentence was pronounced is untenable & I did not mean to suggest it.

7/9/10
Devan

CBB
9/9/10

9/9/10.

The Calcutta rule seems to be better than the Madras Rule and sufficient.

The words "making more than one sentence" in the Madras Rule is not strictly speaking true because the order is that the one sentence shall take effect after the other.

What we are concerned with is the date & the pair of punishment. What matters whether it is for the Annulled sentence or for the affirmed sentence —

The 1st page of this submission Note has been omitted later on as the Hon'ble Minister has passed some orders on it at a later date.

Submitted to His Highness

78 In November last, the Inspector General of Prisons submitted for the orders of Government a question as to the date of release of a prisoner sentenced on the same day to two periods of imprisonment to be undergone the one after the other, when the sentence in the first case is subsequently annulled in appeal. In the case brought to notice the prisoner was sentenced on the 7th September 1909 to 6 months' imprisonment in one case and to 3 months' imprisonment in another case, the Magistrate directing that the second sentence should take effect after the expiry of the first. On appeal the first sentence was reversed on the 2nd October 1909. The point for decision was whether the second sentence should be regarded as having effect from the date of the sentence (from which date the prisoner was undergoing imprisonment) or from the date of annulment of the first sentence. In the former case, the prisoner would be released on the 6th December 1909, in the latter case on the 1st January 1910.

79 (Manual) 2. The Madras rule on the subject, contained in the Madras Jail Manual Rule 310 is that "when a

prisoner is undergoing more than one sentence, and the first sentence is annulled on appeal, the second sentence shall take effect from its own date". That is to say the prisoner is given the benefit of counting the period of imprisonment undergone by him on the annulled sentence towards the second sentence. The case reported upon by the Inspector General of Prisons was disposed of in accordance with this rule, and the question of framing a general rule on the subject was reserved for consideration.

803. It is seen from the Office notes on the file that the Bombay High Court has decided against the legality of such a rule as being opposed to the provisions of Section 397 of the Criminal Procedure Code, and the Government Advocate, as well as the Assistant Secretary, Judicial Branch, and the Officiating General and Revenue Secretary consider this view to be correct. But the Madras and Calcutta High Courts have pronounced in favour of the Madras rule, and our own Chief Court see no inconsistency between the Madras rule and Section 397 of the Criminal Procedure Code. Apart from the question of interpretation the Madras rule appears also to be fair to the

Pages 6, 22, & 26 of the notes.

prisoner.

Page 27 of Office notes. 814. I am of opinion and both the Councillors agree that the Madras rule might be adopted in Mysore. The accompanying draft Government Proceedings ordering the necessary addition to the Mysore Jail Manual may be approved.

7/6/20

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D. O. No. 2 1626

To

J. Chandra Rao Esq C.S.

Mysore

18. 10 40

My dear Sir

I am directed to return File No 1540 and to say that His Highness approves of your proposal. His Highness thinks however that the wording of the (Quoted from the Manual) new rule is not very happy. I am to suggest the following modification for the words "the second sentence shall take effect from Ni ouri dish" read

Submitted to His Highness.

83 With reference to Mr. Campbell's D.O. letter No. 119 dated 18th October 1910 directing certain modifications in the proposed additions to the Mysore Jail Manual about the release of a prisoner sentenced to different periods of imprisonment, the Second Councillor represents in his minute of the 27th instant that the modifications are open to objection. I submit the matter for orders.

T. Ananda Rao
Dewan

Serial No.

S/ With great deference, I beg to submit that the alteration of the proposed rule is open to objection. In the 2nd illustration appended to the original draft rule, if the new rule is applied, the man will be entitled to release on the 31st of ~~January~~ Dec., i.e. five months after the date of the second sentence, having undergone one month of the period of six months before the date of the sentence. This is obviously inadmissible, and it is to save this, that the Madras rule is worded as it is. The matter has therefore to be reconsidered.

27/10/10

34

Record of Case submitted for the orders of His Highness the Maharaja.

Subject.

Release of a prisoner sentenced to more than one sentence, when the first sentence is annulled on appeal.

Order.

Please see the Dewan's order on the record of Cases in Sub: note No 1540 dt 8.10.10

C.S.

D.O. No. ✕ 1663

The Palace, Mysore,
1st November 1910.

My dear Sir,

Before submitting File No.1584 to His Highness, I should be glad of your own opinion in the matter. Surely in framing a rule of this kind, we should try as far as possible to ensure that a prisoner shall not suffer a single day's imprisonment under an immerited sentence i.e.,one which is annulled on appeal. The rule as altered by His Highness secures this end. I would also point out that the second illustration refers to a kind of case which is seldom likely to occur

and

Draft

GOVERNMENT OF MYSORE

TANK VIEW,
MYSORE.

D.O.No. 1520/1 & 1 file

2nd November 1910.

My dear Sir,

86 Kindly read and return Mr.Campbell's D.O. No.138 dated yesterday herewith sent.

2. I beg you will favour your opinion in the matter. The connected file is also herewith sent.

3. I am quite in sympathy with the view there- in ~~advocated~~ advanced. The only objection to it is that the prisoner would get under the second sentence the benefit of imprisonment undergone under a conviction and sentence which (by virtue of its being annulled by the appellate authority) did not exist at the time the conviction and sentence in the second case came

D. O. No. 7r 1675

Bangalore
Nov. 3rd 1860

My dear Sir

I fear that Lt. Campbell's proposal is not feasible - One effect of the rule would be (as pointed out by the 2nd Commissioner) that a sentence would begin to run before it is passed. Another effect might be that the second sentence would not be given effect to at all. The first sentence might

Matter

D. O. No. 1544
Encl file

supersedes 5 NOV 20

Hayden Church

Ref: Jnr DD no 138
On file no 1584 -

Note & consult me
Imay - Jnr will find
my letter & her reply here
below -

For my part I am
in accord with the rule
as altered under W.O.
instructions - ~~I do not~~
see good reason in ear
marking doses of Jpecac.
- ment in the may advocated
by the Commander & the Chief
Nurse - Yours truly Ella 5 NOV 20

D. O. No. Fr 1699

D.O. No. 1544
one file

PRIVATE SECRETARY MYSORE

The Palace,
Mysore,
8th Novr 1910.

9

My dear Sir,

With reference to the accompanying file and your D.O.No. 1544 dated 5th Instant, I have submitted to Rao His Highness that it is better to accept Messrs Ismay's and Nanjundayya's opinion on a question of legal wording. His Highness takes the same view.

The Madras Rule may therefore be adopted with the illustrations originally proposed.

Yours

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

The date of release of a prisoner sentenced to more than one setence all running consecutively, when the first sentence is annulled on appeal.

Order.

No 114 S 18 10 10

Secy
Write Mr Campbell's &c -
Drafts 1/10 & 2/10 have
been altered by me accordingly
They may now issue.
Sd/ Unknown

Issue
Sd
26/10/10

27/10/10

Mr Hamilton has
advised a reversal of
the allahabad Judge
in Mr Campbell's &c,
P.T.

further Memorandum
annexed (as printed)
with the result that
A.V. has approved
of the Madras title
as originally proposed
by Counsel —
& Draft Deed
accordingly has
been prepared

as per
Ist Jan '10

Assistant etc.
88 please submit draft
draft

10/11/10

88

10/11/10.

S. R. D. 12]
General and Revenue
Secretariat.]

2910

Pris. File No. 39 of 1909

Typed copies of the drafts which were originally approved and which are in accordance with the final decision arrived at are put up. May they be issued now? Submitted for orders

C.B. 15/11

Shaw Cappd

18/11/10.

Secretary)

Chief Secy

23/11/10

Sh 28/11/10 U/S

Regr. Chief Court.

To

The I.G. of Prisons & the ~~I. G. of Registration~~

No. 1582-3 D/25-11-10.

Directs that the following rule be added as rule 2A. Other rules re the calculation of the date of release of prisoners issued under G.O. No 12894-95/1601B/15.5.1895

"When a prisoner is undergoing more than one sentence, and the 1st sentence is annulled on appeal, the 2nd sentence shall take effect from its own date."

G. R. S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

To the Controller, Mysore Cypher
No J 1584 D/25-11-10
Notifies the introduction of Rule
into the rules referred to in Sl;

J 1137

Prisons 3.11.09

DECCAN

Office of the Inspector General of Prisons in Mysore,

Bangalore, 3rd Novr 19

No. 1562/70-09,

From. Lieut: Colonel J Smyth M.D.I.M.S.
Inspector General of Prisons in Mysore.

To. K. S Chandrasekhara Iyer Esqr B.A; B.L.
Secretary to the Government of His Highness the Maharaja of Mysore General & Revenue
Bangalo

Sir,

I have the honor to bring to the notice of Govern
that a prisoner by name Munuya, no: 8317 of the Mysore J
was sentenced on the 7th of September 1909 to two perio
rigorous imprisonment, viz for 6 months and 3 mon
respectively in two criminal cases nos 98 & 103 Summary 41
1909-10 on the file of the City magistrate, Mysore.
direction of the sentencing magistrate was that the
sentence should take effect after the expiry of the f

2. On appeal, the 1st sentence was reversed on the
of October 1909, and the point for decision is from
what date the second sentence should take effect —
whether from its own date of 7th September 1909,
from the date of reversal of the 1st sentence viz
2nd October 1909.

3 As might be expected, the existing Mysore Ja
manual is silent on the point. Section 397 of t
Criminal Procedure Code does not appear applic

1909

From Lt: Col: J. Smyth M.D I.M.S
Inspector General of Prisons
in Mysore

To K. S Ramdrasa Rama Iyer Esqr
B.A.B.L.
Secretary to the Govt of H.H.
the Maharaja of Mysore
General & Rev: Dept

Dated 3rd Nov: 1909.

Despatched —— Do ——

Received

General No. 1562

No. 70-09

Enclosure No.

Solicits definite instructions in the matter of calculating the date of release of a prisoner who is sentenced to two terms of imprisonment on the same day and one of which has been reversed on appeal.

to this case as it deals with two sentences not passed on one and the same date but on different dates. The only resource left is Government order no: 12991 95/J 1661 dated 15th May 1899 publishing rules for the calculation of the date of release of prisoners. Here too, there is no direct solution to the question raised. But rule 2 of these rules says that when a prisoner is sentenced to two or more sentences the date of release shall be calculated as though "the sum of the terms" was awarded in one sentence. Accordingly the date of release should at first be calculated as falling on 6th June 1910, and the order of the appellate court reversing the 1st sentence be taken to affect the date so calculated so far as to reduce "the sum of terms" by 6 months. Hence an indirect solution of the question is arrived at, viz that the second sentence should take effect from its own date which is also the date of the 1st sentence. (7-9-09).

This argument seems fallacious - ✓

4. Whatever shade my argument may assume from a legal point of view, two authorities may be cited in its support, viz Sec. 310 with illustration no: 1 of the Madras Jail Code edition of 1899, and addendum to Paragraph 386 of the Burmah Jail Manual. I would however request you to be so good as to obtain

obtain and communicate to me definite instructions of Government in the matter at a very early date as the prisoner in question will have to be released on 6-12-09 if my view is approved by Government or on 1-1-1910, if they decide otherwise.

I have the honor to be
Sir
Your most obedient Servant

[illegible]

For Inspector General of Prisons

Letter No.1562/70-09 dated the 3rd November 1909 from the Inspector General of Prisons in Mysore, soliciting definite instructions in the matter of calculating the date of release of prisoner Munia No.8317 of the Mysore Jail, who was sentenced by the City Magistrate of Mysore to two terms of imprisonment on the same date, one of which has since been reversed on appeal.

Order thereon No. J/1490 / Pris 39-05-2 dt 30th Nov 09

The City Magistrate of Mysore convicted and sentenced one Munia in two different cases to imprisonment for 6 months and 3 months respectively on the 7th September 1909, with the direction that the second sentence should take effect after the expiry of the first. On appeal the first sentence, namely, that of imprisonemnt for six months was reversed on the 2nd October 1909, and a

question has been raised as to the date from which the second sentence should take effect - whether the 7th September 1909, the date of the original judgment, or the 2nd October 1909, the date of reversal of the first sentence.

2. The Inspector General of Prisons, who has made the reference, is of opinion that the second sentence should take effect from "its own date", namely, the 7th September 1909 and cites illustration No.1 to para 310 of the Madras Jail Manual in support of his view.

3. The Government reserve for separate consideration the question of adopting a rule similar to that contained in the provision of the Madras Jail Manual quoted. In the meantime, as the prisoner in the particular instance before Government has already undergone a period of imprisonment on a conviction which has since been reversed and as it would be inequitable under

the circumstances to make him undergo the full term of the second sentence, the Government are pleased to direct that a portion of such sentence equal to the period of imprisonment undergone by the prisoner prior to the reversal of the first sentence be remitted and that he be set at liberty on the 6th December 1909.

Fair draft.)

Secretary to Government.

To

The Inspector General of Prisons
in Mysore.

G.R.S. 20]

File No. 39-09

Serial No. 3

Diary No. of letter replied to J/1137

No. J/1685 Encls 3

General and Revenue Secretariat

(Pris)

, *the* 190

To

The Registrar, Chief Court of Mysore

Date of issue 17-12-09

Signed by Sir P Narayanaswamy Iyer

Sir,

I am directed to forward herewith a copy of letter no. 1562/70-09 & the 3rd Nov. 1909 from the J.G. of Prisons in Mysore in the matter of calculating ~~the date of release of prisoner~~ Munia ~~no 8317 of the Mysore jail~~, who was ~~sentenced by the City Magistrate of Mysore to two terms of imprisonment on the same date, one of which was reversed on appeal and the order of Govt~~ thereon no. J/1490/Pris 39-09-2 & 30th Nov. 1909 ~~thereon~~ and to request that the favoured with the opinion of the Chief Court may be regarding the ~~question~~ advised thereon.

and the order of Govt thereon, in the matter of the calculation of the date of release of a prisoner under certain circumstances

SUBJECT.

15/12

of a rule similar to rule 310 of the Madras Jail Manual in our Jail Manual also in order to obviate difficulties of the kind in question may be obtained and forwarded at an early date

I have etc

For Secretary

K.N. 7.12.09

5/12/09

(To be returned with the papers)

List of enclosures,

Copied by

Examined by

GPB—10,000—23-5-08

Fair-draft

.R.S. 26]

File No. 39-09

Serial No. 3

Diary No. of letter replied to J 1137

No. J 1685 En 3

General and Revenue Secretariat

(Pris)

, *the* 190

To

The Registrar, Chief Court of Mysore

Date of issue 17.12.09

Signed by Mr. S. Hiriyannaiya

Sir,

I am directed to forward herewith a copy of letter no. 1562 70-09 & the 3rd Nov 1909 from the I. G. of Prisons in Mysore & of the order of Govt. thereon, in the matter of the calculation of the date of release of a prisoner under certain circumstances and to request to be favored with the opinion of the Chief Court regarding the adoption of a rule similar to rule 310 of the Madras Jail manual in order to obviate difficulties of the kind in question.

I have etc

(Sd) S.H. over.

For Secretary

SUBJECT.

J 1571
Pris 39-09

Bangalore, 8 no 4

20th December 1909.

From,

.A.Rajaratna Mudaliar, Esq.,
Registrar, Chief Court of Mysore,
B A N G A L O R E.

.S.Balasundaram Aiyar, Esq.
Offg: Secretary to the Government of Mysore,
Genl: & Rev: Depts.,
B A N G A L O R E.

With reference to your letter no.J 1685/Pris.89-09-3 dated 17th Instant asking for the opinion of the Chief Court regarding the adoption of a rule similar to Rule 310 of the Madras Jail Manual, I am directed to state that the Madras rule appears to be perfectly correct and might with advantage be adopted together with the illustrations.

The Madras Jail Manual received with the letter under reply is returned herewith.

I have the honor to be,
Sir,
Your most obedient servant,

REGISTRAR.

G.R.S. 26]

Pris File No. 32/95
Serial No. 5

Diary No. of letter replied to _____

No. J 3317 Encl 1.

General and Revenue Secretariat

(Pris . .)

, *the* 190

The Registrar of the Chief Court of Ingura.

Date of issue 3rd May 1910

Signed by Mr Sthirayamaiya

Sir,

Referring to the Correspondence ending with your letter No 2476/14-3 dated the 21st Dec 1909 stating, with reference to an enquiry from this office, that a rule similar to ~~the~~ Rule 310 of the Madras Jail Manual might with advantage be adopted in Ingura, I am directed to state that there is an apparent inconsistency between Sec 397 of the Criminal Procedure Code

over

and Rule 310 of the Madras
Jail Manual. I am therefore
to request you to be so good
as to furnish first hand the
opinion of the Judges of the
Chief Court in the matter.

2... An extract of the Rule (above typed)
of the Madras Jail Manual
referred to above is herewith
forwarded for reference.

I have &c

Sd

For Secy

28/4/10

List of enclosures.

Copied by [illegible] 7/5/10.

Examined by SN

MGCPB—30,000—16-2-05

D. 4670/278

12786

Bangalore,

Dated the 7th May 1910.

54

Pris 39-09

Sl no 6.

From,

V.A.Rajaratna Mudaliar,Esq.,

Registrar,Chief Court of Mysore.

To,

C.S.Balasundaram Iyer,Esq.,

Offg: Secretary to the Govt. of Mysore,

Genl: & Rev: Departments.

Sir,

With ref[illegible]letter no.J.3317/Pris.39-09-5 dated the 3rd Instant calling for the opinion of the Judges of the Chief Court as regards 'an apparent inconsistency' between Section 397 of the Criminal Procedure Code and Rule 310 of the Madras Jail Manual, I am directed to state that the Chief Judge is unable to see that there is any inconsistency between the Sec-tion and the rule in question. Where the previous sentence is set aside on appeal,the section does not apply.

I have the honor to be,

Sir,

Your most obedient servant,

Raja Mudaliar

REGISTRAR.

CS

Proceedings of the Government of His Highness the Maharaja of Mysore.

- - - - - - - -

Read :-

Letter No. 1662/70-09 dated 3rd November 1909 from the Inspector General of Prisons in Mysore requesting the orders of Government as to the date of release of a prisoner who was sentenced to two different periods of imprisonment, the 2nd sentence being directed to take effect after the expiry of the 1st, which has since been set aside in appeal.

2. Letter No. 4670/278 dated 5th May 1910 from the Registrar of the Chief Court of Mysore, expressing the opinion of the Chief Court on the subject.

- - - - - - - - -

Order thereon No. J 1582-3/Pris 39-09.

Dated Bangalore, 25th November 10.

Government are of opinion that in a case like the one under reference the period of ~~the sentence of~~ imprisonment undergone by the prisoner till the date of

of annulment of ~~death~~ sentence on appeal should as far as possible be counted against the period of the second sentence ordered to take effect after the expiry of the first.

2. As no specific rule exists at present in this matter the Government of His Highness the Maharaja of Mysore are pleased to direct that the following rule be added as Rule 2 A after Rule 2 in the set of rules, re the calculation of the date of release of prisoners, issued unde Government Order No.12994-95/J.1601 dated 15th May 1899:-

" When a prisoner is undergoing more than one sentence, and the ~~1st~~ first sentence is annulled on appeal, the ~~2nd~~ second sentence ~~can~~ shall take effect from its own date.

Illustration. 1. A prisoner is sentenced on the 1st July to two periods of six months' imprisonment for two offences On appeal the ~~1st~~ first sentence is quashed on the 31st August. The prisoner will be entitled to release on the 31st December.

Illustration. 2. A prisoner

is sentenced on the 1st July to six months' imprisonment and on the 1st August to another period of six months' imprisonment. On appeal the first sentence is quashed on the 31st August. The peisoner will be entitled to release on the 31st January. ".

3. A notification publishing the ~~insertion of the~~ above rule will be issued separately .

CSB 23/11/10

Offg. Secretary to Govt.

SM

The Inspector General of Prisons in Mysore.

The Registrar of the Chief Court of Mysore.

SM 14/11/10

Proceedings of the Government of His Highness the Maharaja of Mysore, Judicial and Legislative (Prisons), dated 25th November 1910.

READ—

Letter No. 1862—70-09, dated 3rd November 1909, from the Inspector-General of Prisons in Mysore, requesting the orders of Government as to the date of release of a prisoner who was sentenced to two different periods of imprisonment, the second sentence being directed to take effect after the expiry of the first, which has since been set aside in appeal.

2. Letter No. 4670—278, dated 5th May 1910, from the Registrar of the Chief Court of Mysore, expressing the opinion of the Chief Court on the subject.

No. J. 1582-3—PRIS. 39-09, DATED BANGALORE, 25TH NOVEMBER 1910.

ORDER THEREON.—Government are of opinion that in a case like the one under reference, the period of imprisonment undergone by the prisoner till the date of annulment of one sentence on appeal should, as far as possible, be counted against the period of the second sentence, ordered to take effect after the expiry of the first.

2. As no specific rule exists at present in this matter, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following rule be added as Rule 2A after Rule 2 in the set of rules *re* the calculation of the date of release of prisoners, issued under Government Order No. 12994-95—J. 1601, dated 15th May 1899:—

"2A. —When a prisoner is undergoing more than one sentence, and the first sentence is annulled on appeal, the second sentence shall take effect from its own date.

(1) *Illustration.*—A prisoner is sentenced on the 1st July to two periods of six months' imprisonment for two offences. On appeal the first sentence is quashed on the 31st August. The prisoner will be entitled to release on the 31st December.

(2) *Illustration.*—A prisoner is sentenced on the 1st July to six months' imprisonment and on the 1st August to another period of six months imprisonment. On appeal the first sentence is quashed on the 31st August. The prisoner will be entitled to release on the 31st January."

3. A notification publishing the above rule will be issued separately.

C. S. BALASUNDARAM IYER,
Offg. Secy. to Govt. [illegible]

To—The Inspector-General of Prisons in Mysore.
The Registrar of the Chief Court of Mysore.

1910-11

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

JUDICIAL AND LEGISLATIVE
(PRISONS)

PROCEEDINGS

Dated 25th November 1910

No. J. 1582-3
Pris. 39-09

Passing orders regarding the release of a prisoner sentenced to more than one sentence, when the first sentence is annulled on appeal.

G.P.B.—8-12-10—300

J 1584 / Pris 29-09 & 2511-10.

NOTIFICATION.

Under section 54 (5) of the Prisons Act of 1870 the Government of His Highnes the Maharaja of Mysore are pleased to direct that the following be added as Rule 2 A after Rule 2 in the set of Rules regarding the calculation of the date of release of prisoners, issued under Government order No. 12994-5/J.1601 dated 15th May 1899.

" 2 A . When a prisoner is undergoing more than one sentence and the 1st sentence is annulled on appeal the 2nd sentence ~~can~~ shall seemd take effect from its own date."

Illustration. 1. A prisoner is sentenced on the 1st July to two periods of six months' imprisonment for two offences. On appeal the ~~1st~~ first sentence is quashed on the 31st August. The prisoner will be entitled to release on the 31st December.

Illustration. 2. A prisoner is sentenced on the 1st July to six months' imprisonment and on the 1st August to another period of six months' imprisonment. On

On appeal the ~~1st~~ first sentence is quashed o 31st August. The prisoner will be entitled to release on the 31st January."

By Order,

C103

Offg. Secretary to Govt.

To,

The Compiler, Mysore Gazette, for publication with a kanada translation.

12/11

B.L.-2-

Proce[illegible] of the Government of His Highness the Maharaja of Mysore.

Read:-

Letter No.1862/70-09 dated 3rd November 1909 from the Inspector General of Prisons in Mysore, requesting the orders of Government as to the date of release of a prisoner who was sentenced to two different periods of imprisonment, the second sentence being directed to take effect after the expiry of the first, which has since been set aside in appeal.

(2) Letter No.4670/278 dated 5th May 1910 from the Registrar of the Chief Court of Mysore, expressing the opinion of the Chief Court on the subject.

-o-o-o-o-o-

Order thereon No.

Government are of opinion that in a case like the one under reference the period of the sentence of imprisonment undergone by the prisoner till the date of annulment of that sentence on appeal should

as far as possible be counted against the period of the second sentence, ordered to take effect after the expiry of the first.

2. As no specific rule exists at present in this matter, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following rule be added as Rule 2 A after Rule 2 in the set of Rules, re the calculation of the date of release of prisoners, issued under Government order No.12994-95/J.1601 dated 15th May 1899:

"When a prisoner is undergoing more than one sentence, and the first sentence is annulled on appeal, ~~the second sentence~~ The period of imprisonment which the Prisoner ~~shall take effect from its own date.~~ has already undergone under the first sentence shall count towards the second sentence -

Illustration 1.

A prisoner is sentenced on 1st July to two periods of six months' imprisonment for two offences. On appeal the first sentence is quashed on 31st August. The prisoner will be entitled to release on 31st December.

Illustration 2.

A prisoner is sentenced on 1st July to six months' imprisonment and on 1st August to another period of six months' imprisonment. On appeal the first sentence is quashed on 31st August. The prisoner will be entitled to release on 31st January".

3. A Notification publishing the insertion of the above rule will be issued separately.

Offg. Secretary to Govt.,
Genl. & Rev. Dept.

To

The Inspector General of Prisons in Mysore.

The Registrar of the Chief Court of Mysore.

N O T I F I C A T I O N.

Under Section 54(5) of the Prisons Act of 1870, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following be added as Rule 2 A after Rule 2 in the set of Rules regarding the calculation of the date of release of prisoners, issued under Government Order No. 12994-5/J.1601 dated 15th May 1899:-

"2 A. When a prisoner is undergoing more than one sentence, and the first sentence is annulled on appeal, ~~the second sentence shall take effect from its own date~~".

Illustration 1.

A person is sentenced on 1st July to two periods of six months' imprisonment for two offences. On appeal the first sentence is quashed on 31st August. The prisoner will be entitled to release on 31st December.

Illustration 2.

prisoner is sentenced on 1st

July to six months' imprisonment and on 1st August to another period of six months' imprisonment. On appeal the first sentence is quashed on 31st August. The prisoner will be entitled to release on the 31st January".

By order,

Offg. Secretary to Govt.
Genl. & Rev. Dept.

To

The Compiler, Mysore Gazette, for publication with Kannada translation.